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UNITED STATES DISTRICT COURT  
 SOUTHERN DISTRICT OF NEW YORK

-----X	:	
JOSEPH MURPHY, et al.,	:	
	:	Case No. 1:08-cv-4196 (GEL) (KNF)
Plaintiffs,	:	<i>Electronically filed</i>
v.	:	
	:	
ALLIED WORLD ASSURANCE	:	<b>ALLIED WORLD'S NOTICE OF</b>
COMPANY (U.S.), INC. and ARCH	:	<b>MOTION AND MOTION FOR</b>
INSURANCE COMPANY,	:	<b>SUMMARY JUDGMENT AND</b>
	:	<b><u>TO MODIFY ORDER</u></b>
Defendants.	:	
	:	
-----X	:	

Defendant Allied World Assurance Company (U.S.), Inc. moves this Court for summary judgment against plaintiff Tone E. Grant pursuant to Fed. R. Civ. P. 56 and to modify the Order of the United States Bankruptcy Court for the Southern District of New York dated April 21, 2008 with regard to Mr. Grant pursuant to Fed. R. Civ. P. 60(b)(5) and (6). This motion is made upon the declaration of Robert W. DiUbaldo dated September 4, 2008, together with the exhibits attached thereto, the Insurers' Joint Exhibits and declaration of Robert W. DiUbaldo dated July 11, 2008 with attached exhibits, which were previously filed with the Court,<sup>1</sup> as well as a

<sup>1</sup> The Insurers' Joint Exhibits and declaration of Robert W. DiUbaldo dated July 11, 2008 were previously filed with the Court in support of Allied World's summary judgment motion against plaintiffs, which is sub judice.

statement of undisputed material facts pursuant to S.D.N.Y. Civ. Rule 56.1 and a memorandum of law.

Dated: September 4, 2008

New York, NY

Respectfully submitted,

/s/ John D. Hughes

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UNITED STATES DISTRICT COURT  
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	:	Case No. 1:08-cv-4196 (GEL) (KNF)
ALLIED WORLD ASSURANCE	:	
COMPANY (U.S.), INC. and ARCH	:	
INSURANCE COMPANY,	:	
	:	
Defendants.	:	
	:	
	:	
-----X	:	

**CERTIFICATE OF SERVICE**

I hereby certify that on this 4<sup>th</sup> day of September 2008, I caused a copy of Allied World's notice of motion and motion for summary judgment and to modify order, Rule 56.1 statement of undisputed material facts, memorandum of law, and declaration of Robert W. DiUbaldo dated September 4, 2008 to be sent by electronic mail to the following:

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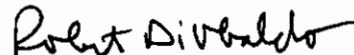
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